

Wetlands Bureau Decision Report

Decisions Taken
05/18/2009 to 05/24/2009

DISCLAIMER:

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

APPEAL:

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 30 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to Lawrence E. Morse, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

UNKNOWN

2009-00720 DERRY, TOWN OF
DERRY Unnamed Stream

Requested Action:

In-kind replacement of the culvert beneath Sheldon Road for safe vehicular passage.

CONFIRM EMERGENCY AUTHORIZATION:

In-kind replacement of the culvert beneath Sheldon Road for safe vehicular passage.

With Conditions:

1. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(x) Maintenance, repair, or replacement of a nondocking structure such as a culvert, headwall, bridge, dam, residential utility line, or rip-rap slope of less than 50 linear feet,
2. The project was necessary to repair the failing culvert beneath Sheldon Road.
3. Emergency authorization for this work was issued by DES Wetlands Bureau Staff on April 27, 2009.
4. Review of the materials submitted pursuant the emergency authorization indicates that work has been completed in accordance with the emergency authorization.

MAJOR IMPACT PROJECT

2008-01398 NH DEPT OF TRANSPORTATION
RANDOLPH Unnamed Wetland Stream

Requested Action:

Reconstruct approximately 4,600 linear feet of Route 2 to provide safety and drainage improvements impacting 25,439 sq. ft. (225 sq. ft. temporary) of palustrine wetlands. NHDOT project #13602-A.

Mitigation includes the preservation of an approximately 21 acre parcel, shown in the current application as an estimated 30 acre parcel, to mitigate for the overall Route 2 project in Randolph and Jefferson that is expected to impact approximately 1.5 acres of wetlands and streams.

Conservation Commission/Staff Comments:

Cons. Comm. - no comment after application submittal.

NHDOT held a public hearing on 3-17-05.

Inspection Date: 03/26/2003 by Gino E Infascelli

Inspection Date: 03/17/2005 by Gino E Infascelli

APPROVE PERMIT:

Reconstruct approximately 4,600 linear feet of Route 2 to provide safety and drainage improvements impacting 25,439 sq. ft. (225

sq. ft. temporary) of palustrine wetlands. NHDOT project #13602-A.

Mitigation includes the preservation of an approximately 21 acre parcel, shown in the current application as an estimated 30 acre parcel, to mitigate for the overall Route 2 project in Randolph and Jefferson that is expected to impact approximately 1.5 acres of wetlands and streams.

With Conditions:

1. All work shall be in accordance with plans by NHDOT Bureau of Highway Design dated 4/2008, as received by the Department on July 22, 2008.
2. This permit is contingent upon the submission of a project specific stream diversion and erosion control plans to the DES Wetlands Bureau. Those plans shall detail the timing and method of stream flow diversion during construction, and shall show the temporary siltation, erosion and turbidity control measures to be implemented.
3. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
4. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the DES Alteration of Terrain Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
5. Construction equipment shall not be located within surface waters.
6. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
8. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
10. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Matting and pinning shall stabilize slopes steeper than 3:1.
11. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
12. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
13. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
14. Standard precautions shall be taken to prevent import or transport of soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.
15. The impacts associated with the temporary work shall be restored immediately following construction.

Wetland preservation:

16. A copy of the deed shall be submitted to the DES Wetlands Bureau following DOT transfer of the property to another agency that has been retained for management purposes.
17. This permit is contingent upon the execution transference of a conservation easement preservation parcel depicted in the application as 30 acres, shown in the supporting documentation received July 22, 2008 and noted to be approximately 21 acres as found in May 2009.
18. The plan noting the preservation parcel shall be recorded with the Registry of Deeds Office for each appropriate lot and a copy of the recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau by Nov. 1, 2009 per the Preliminary Mitigation Agreement Form signed July 18, 2008.

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(c), alteration of more than 20,000 sq. ft. of non-tidal wetlands and surface waters.
2. The purpose and need for the project has been documented, by the applicant, in the application and other materials contained in

the NHDES file as required per Rule Wt 302.01.

3. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant presented and coordinated the project with various state and federal agencies at many Natural Resource Agency meetings over a six year period.
6. The applicant held a Public Workshop in Jefferson on April 25, 2002 to discuss options for reconstruction and safety improvements.
7. The applicant held a Public Officials Meeting in Randolph on Nov. 12, 2002 to present preliminary concepts and solicit input.
8. The applicant held a Public Informational Meeting in Jefferson on March 26, 2003 to present proposals for improvements and solicit input.
9. On March 17, 2005 a Public Hearing was held by the NH Dept. of Transportation (NHDOT) and the Special Committee appointed by the Governor and Executive Council regarding the overall project proposal to reconstruct and widen approximately 3.6 miles of Route 2 in Jefferson and Randolph.
10. The NH Department of Environmental Services (DES) Staff conducted a field inspection of the proposed project on March 26, 2003 and March 17, 2005. Inspection determined that the project would improve vehicular, bicycle and pedestrian safety as existing road shoulders are very narrow presenting safety issues for the traveling public.
11. On June 21, 2004, the DES received an inter-department memo regarding a probable parcel near the Pondicherry Wildlife Refuge to be considered for mitigation.
12. On April 18, 2007, the DES received additional information regarding probable parcels to be considered for mitigation related to the overall project permanent impacts estimated at 65,843 sq. ft.
13. The current application is to provide safety improvements along a 4,600 linear foot section of Route 2 in Randolph and is for a portion of the overall project.
14. The preservation parcel on approximately 21 acres (as found in May 2009) to be transferred to the Pondicherry Wildlife Refuge is intended to mitigate for the overall project expected to impact approximately 1.5 acres of wetlands and streams.
15. The mitigation proposal meets the DES Administrative Rules Part Wt 803 Compensation Mitigation Requirements.
16. The record shows there is a sensitive wildlife species in the area and the NH Fish and Game Dept. commented that the project will not have any impact.
17. The general public has provided comments over a period of many years and the applicant has modified the design to reduce impacts where practicable while meeting the intent of improving public safety.
18. There are no written comments in the file since the application was received.
19. In accordance with RSA 428-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest (rule Env-Wt 101.90), and will not have a significant environmental impact (rule Env-Wt 101.86) on or adversely affect the values of the palustrine resources, as identified under RSA 482-A:1.

2009-00081 BARDAGALLO, MICHAEL
NEW CASTLE Piscataqua River

Requested Action:

Replace existing deteriorated fixed timber pier on pilings with one having the following dimensions including an additional 10 ft. x 10 ft. float section: 5 ft. wide x 80.8 ft long fixed timber pier to a 3 ft. x 26 ft. ramp landing on a 10 ft. x 30 ft. float with a 5 ft. x 6 ft. float section adjacent to a PWC float lift.

Conservation Commission/Staff Comments:

"At its March 3, 2009 meeting the [New Castle] Conservation Commission voted unanimously to recommend approval of the Standard Dredge & Fill Application of the Barbagallo's."

Inspection Date: 04/20/2009 by Frank D Richardson

APPROVE PERMIT:

Replace existing deteriorated fixed timber pier on pilings with one having the following dimensions including an additional 10 ft. x 10 ft. float section: 5 ft. wide x 80.8 ft long fixed timber pier to a 3 ft. x 26 ft. ramp landing on a 10 ft. x 30 ft. float with a 5 ft. x 6 ft. float section adjacent to a PWC float lift.

With Conditions:

1. All work shall be in accordance with plans by Pickering Marine Corporation dated 04/09/09, as received by DES on May 06, 2009.
2. NH DES Wetlands Bureau Southeast Region staff shall be notified in writing prior to commencement of work and upon its completion.
3. This permit does not allow dredging for any purpose.
4. Seasonal ramp & floats shall be removed for the non-boating season.
5. The decking of the dock shall have a minimum of 5 feet clearance from the surface of the tidal marsh, if present, and shall have 3/4-inch spacing between the decking planks.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(a), projects in tidal wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) and (c), Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on 04/20/2009. Field inspection determined the request for the additional 10' x 10' float section is reasonable for boating safety given the strong currents in the Piscataqua River at this location.
6. Chief Harbor Master for the NH Division of Ports and Harbors reported that: "We examined the proposed site and found that the project would have no negative effect on navigation in the channel."

-Send to Governor and Executive Council-

2009-00150 SANGALIS, GREGORY & JANE
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Repair 56 linear ft of breakwater, in an L configuration, with an 11 ft gap at the shoreline, and a 4 ft x 44 ft cantilevered pier and dredge 13 cu yd from 410 2q ft of lakebed on an average of 146 ft of frontage on Long Island, in Moultonborough.

Conservation Commission/Staff Comments:

Con Com did not submit comments by 03/16/09

APPROVE PERMIT:

Repair 56 linear ft of breakwater, in an L configuration, with an 11 ft gap at the shoreline, and a 4 ft x 44 ft cantilevered pier and dredge 13 cu yd from 410 2q ft of lakebed on an average of 146 ft of frontage on Long Island, in Moultonborough.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated January 26, 2009, as received by DES on January 29, 2009. Final contours of the proposed dredging shall be as shown on revised April 27, 2009 and received on May 8, 2009.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
3. The repairs shall maintain the size, location and configuration of the pre-existing structures.
4. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that the structures represented as "existing" were not previously permitted or grandfathered.
5. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.

7. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
8. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
9. All dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. Only existing rocks which have fallen from the breakwater shall be used for repair. No additional rocks shall be brought on site.
11. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This project is classified as a minor impact project per Rule Env-Wt 303.03 (g) dredge of less than 20 cu yd from public waters.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

2009-00247 MORRISSEY, JOHN & CHRISTINE
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Permanently remove an existing 6 ft x 40 ft seasonal dock and install two 4 ft x 30 ft seasonal docks in a "L" shaped configuration providing 2 slips on an average of 119 ft of frontage on Lake Winnepesaukee, in Moultonborough.

Conservation Commission/Staff Comments:

No Con Com comments by April 09, 2009

APPROVE PERMIT:

Permanently remove an existing 6 ft x 40 ft seasonal dock and install two 4 ft x 30 ft seasonal docks in a "L" shaped configuration providing 2 slips on an average of 119 ft of frontage on Lake Winnepesaukee, in Moultonborough.

With Conditions:

1. All work shall be in accordance with plans by New Hampshire Environmental Consultants revision dated May 09, 2009, as received by DES on May 11, 2009.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
4. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
5. Seasonal piers shall be removed from the lake for the non-boating season.
6. No portion of the pier shall extend more than 4 feet from the shoreline at full lake elevation.
7. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d), construction or modification of any docking system that exceeds the design and construction criteria discussed at Env-Wt 402.01 for minimum impact docks classified under Env-Wt 303.04.

2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. DES Staff conducted a field inspection of the proposed project on April 22, 2009. Field inspection determined the proposal was the least impacting alternative for this site and will improve navigation between the dock and the island.
5. The applicant has an average of 119 feet of shoreline frontage along Lake Winnepesaukee.
6. A maximum of 2 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
7. The proposed docking facility will provide 2 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.

2009-00429 HAY CREEK HOSPITALITY LLC
WOLFEBORO Lake Winnepesaukee

Requested Action:

Replenish an existing 2501 sq ft sloped beach with no more than 23 cubic yards of sand on an average of 100 ft of frontage on Lake Winnepesaukee, in Wolfeboro.

Conservation Commission/Staff Comments:

Con Com has no concern

APPROVE PERMIT:

Replenish an existing 2501 sq ft sloped beach with no more than 23 cubic yards of sand on an average of 100 ft of frontage on Lake Winnepesaukee, in Wolfeboro.

With Conditions:

1. All work shall be in accordance with plans by TFM dated February 20, 2008, as received by DES on March 09, 2009.
2. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
3. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
5. No more than 23 cu yd of sand may be used and all sand shall be located above the normal high water line.
6. This permit shall be used only once, and does not allow for annual beach replenishment.
7. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
8. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(o), replenishment of a beach that does not meet the criteria for minimum impact under Env-Wt 303.04(d) or Env-Wt 303.04(aa), or minor impact under Env-Wt 303.03(f).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. In accordance with RSA 428-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of Lake Winnepesaukee, as identified under RSA 482-A:1.

MINOR IMPACT PROJECT

2007-00885 GPS PROPERTIES INC
CANDIA Unnamed Wetland

Requested Action:

Dredge and fill a total of 6,935 sq. ft. of palustrine forested/ scrub-shrub wetlands to construct a driveway with culvert crossings, including a box culvert crossing of a perennial stream, to access a proposed 2-lot residential subdivision on a 50-acre parcel of land.

Conservation Commission/Staff Comments:

No report or comments were received from the Candia Conservation Commission regarding this project.

APPROVE AMENDMENT:

Dredge and fill a total of 6,935 sq. ft. of palustrine forested/ scrub-shrub wetlands to construct a driveway with culvert crossings, including a box culvert crossing of a perennial stream, to access a proposed 2-lot residential subdivision on a 50-acre parcel of land.

With Conditions:

1. All work shall be in accordance with plans by Robert G. Rook, P.E. Consulting Engineer dated 04-11-07 (last revised 11/21/08), as received by DES on March 16, 2009 together with "Subdivision Plan" dated September 29, 2008 received by the DES on March 16, 2009.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, for septic setback or other construction activities.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Work shall be done during low flow.
8. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).
9. NH DES Wetland Bureau Southeast Region staff shall be notified in writing prior to commencement of work and upon its completion.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The amendment as approved reduces the wetlands impacts by 9.2% and changes a 12-unit development to a 2-lot residential subdivision.

APPROVE NAME CHANGE:

Approve name change from:

GPS Properties, Inc.
45 Birchview Drive
Dunbarton, NH 03046
To:
Nikki Realty, LLC
161 River Road
Manchester, NH 03104

2007-01090 DVMD HOLDINGS INC, PRES DAVID DEVRIES
WINDHAM Cobbett's Pond

Requested Action:

Deny amendment request to reconfigure an existing 830 sq ft docking facility consisting of four 4 ft x 20 ft seasonal docks attached to a 5 ft x 95 ft permanent wharf to a 858 sq ft docking facility consisting of four 4 ft x 28 ft seasonal docks attached to a 5 ft x 76 ft seasonal wharf on an average of 325 ft of frontage on Cobbetts Pond, Windham.

Conservation Commission/Staff Comments:

The Windham Conservation Commission reviewed the project proposal and "... had no issues with the plan as proposed."

Inspection Date: 08/10/2007 by Frank D Richardson

DENY AMENDMENT:

Deny amendment request to reconfigure an existing 830 sq ft docking facility consisting of four 4 ft x 20 ft seasonal docks attached to a 5 ft x 95 ft permanent wharf to a 858 sq ft docking facility consisting of four 4 ft x 28 ft seasonal docks attached to a 5 ft x 76 ft seasonal wharf on an average of 325 ft of frontage on Cobbetts Pond, Windham.

With Findings:

Standards for Approval

1. In accordance with RSA 482-A:3, Excavating and Dredging Permits, "[n]o person shall excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp, or in an adjacent to any waters of the state without a permit from the department."
2. In accordance with Rule Env-Wt 302.04(a), Requirements for Application Evaluation, the applicant is required to demonstrate "the need for the proposed impact."
3. Rule Env-Wt 302.04(d) states that the Department shall not grant a permit if "(1) [t]here is a practicable alternative that would have a less adverse impact on the area and environments under the department's jurisdiction."
4. Pursuant to Rule Env-Wt 302.01 "for nontidal wetlands, need shall be demonstrated by the applicant prior to department approval of any alteration of nontidal wetlands."
5. Pursuant to Rule Env-Wt 402.21 Modification of Existing Structures. The department shall not approve any change in size, location, or configuration of an existing structure unless the applicant demonstrates, and the department finds, that the modification is less environmentally-impacting or provides for fewer boat slips and less construction surface area over public submerged lands than the current configuration.
6. Pursuant to Env-Wt 402.13 Frontage Over 75'. To lessen congestion, improve public safety and navigation, protect neighboring property values, provide sufficient area for construction of facilities, provide adequate area for boat maneuvering, and protect health, safety, and general welfare, there shall be a minimum of 75' of shoreline frontage on the property for the first 2-slip structure and an additional 75' of shoreline frontage on the property for each additional boating slip or securing location on a structure for non-commercial use. This section shall not be interpreted to prevent construction of a dock on lots with less than 75' of shoreline frontage as provided in Env-Wt 402.11.
7. Pursuant to Env-Wt 402.03, Dimensions (a) Approvable standard dimensions for a dock shall not exceed the following dimensions:(2) In lakes and ponds of less than 1,000 acres, for all docks a deck width of 6 feet and deck length of 30 feet, measured from normal high water mark.

8. Pursuant to RSA 482-A:3, failure to provide a single and complete response to the items listed within 60 days of the date of the request will result in a denial of the application.

Findings of Fact

9. On September 08, 2007, the Wetlands Bureau issued a permit "replace existing deteriorated 5 ft X 95 ft seasonal wooden wharf having four attached seasonal 4 ft X 20 ft finger docks with a new structure of the same dimensions in the same location; reconstruct 80 linear feet of existing stone wall maintaining shoreline contours; remove existing 800 sq. ft. perched beach area and revegetate area; regrade existing trail along frontage, with no tree removal, to provide for safe wheelchair access on 325 linear feet of shoreline frontage on Cobbetts Pond."

10. On October 29, 2007, the Wetlands Bureau received a request to amend the permit to "reconfigure an existing 830 sq ft docking facility consisting of four 4 ft x 20 ft seasonal docks attached to a 5 ft x 95 ft permanent wharf to a 858 sq ft docking facility consisting of four 4 ft x 28 ft seasonal docks attached to a 5 ft x 76 ft seasonal wharf on an average of 325 ft of frontage on Cobbetts Pond, Windham."

11. The existing non-conforming docking structure provides 8 slips on an average of 325 feet of frontage. This exceeds the requirements of Env-Wt 402.13 for slip density on the frontage.

12. The proposed amendment is an increase in square feet over public submerged lands from the existing non-conforming docking structure and does not provide fewer boat slips.

13. The proposed amendment is a significant modification of an existing permit and a significant environmental impact. The proposed impacts would require a new Wetlands application to address all of the requirements of Env-Wt 100-800 and RSA 482-A.

14. On March 09, 2009, the Department issued a Request for More Information letter requesting information to complete the Department's review of the amendment request.

Rulings in Support of Denial

15. The applicant did not submit information pursuant to Rule Env-Wt 302.01 to address the need, therefore, the amendment request is denied in accordance with Rule Env-Wt 302.04 (d).

16. The applicant did not submit information to the file indicating the proposed project is the least impacting alternative pursuant to Rule Env-Wt 302.04, therefore, the amendment request is denied in accordance with Rule Env-Wt 302.04 (d).

17. The proposed structure does not meet the requirements of Rule Env-Wt 402.21, Rule Env-Wt 402.14 and Rule Env-Wt 402.03 and, therefore, the amendment request is denied.

18. The applicant did not submit the requested information in response to the Request for More Information letter dated March 09, 2009, therefore the application is denied.

2007-01497 CARL, HENRY C & STEPHANIE J
WOLFEBORO Lake Winnepesaukee

Requested Action:

Approve name change to: Henry C. and Stephanie J. Carl per request received 5/14/809. Previous owner Craig R. & Lori T. Sutherland.

APPROVE NAME CHANGE:

Construct a 6 ft x 59 ft permanent dock with a 6 ft x 25 ft finger pier accessed by a 6 ft x 13 ft walkway over wetlands on 244 ft of frontage in Wolfeboro on Melody Island on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by White Mountain Survey dated June 25, 2007 as received by the Department on July 2, 2007.

2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.

3. These shall be the only structures on this water frontage and all portions of the structures shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
4. No portion of the docking facility shall extend more than 59 feet from the shoreline at full lake elevation.
5. Unnecessary removal of vegetation shall be prohibited.
6. This permit does not allow for dredging or rock removal for any purpose.
7. Repairs to these structures may be conducted, as necessary, throughout the duration of this permit provided that the permittee notifies the Wetlands Bureau and local Conservation Commission, in writing, of the proposed start and completion date prior to performing any repair.
8. No more than 250 square ft of wetlands shall be disturbed to access docking structure.
9. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
10. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
11. Work authorized shall be carried out in a time and manner such that there will be no disturbance to migratory waterfowl breeding areas or fish spawning areas.
12. Pilings shall be spaced a minimum of 12 feet apart as measured center to center.
13. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d), construction of a 3 slip permanent docking system.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The proposed non-standard configuration allows for a net reduction of bank impacts for a 3 boat slip docking facility.
6. This location has been determined as the least impacting alternative as it requires the least amount of wetland crossing impacts and ledge/boulder/navigational hazard removal.
7. This property is located on an island and is only accessible by boat.
8. This permit transfer is issued in accordance with NH Administrative Rule Env-Wt 502.02.

2008-00265 DAVIS, ROBERT
NEWBURY Lake Sunapee

Requested Action:

Appellant requests reconsideration based upon a revised proposal submitted May 22, 2009.

APPROVE RECONSIDERATION:

Reconsider and approve permit to: Repair, replace, and modify existing crib supported structures resulting in a 15 ft 4 in x 30 ft 4 in boathouse with a single 10 ft wide interior slip, a 3 ft 4 in x 8 ft exterior dock extending from a 2 ft 7 in x 30 ft dock, and a 7 ft x 28 ft 9 in dock on property having an average of 140 ft of frontage on Lake Sunapee in Newbury.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction revised May 22, 2009, as received by DES on May 22, 2009.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
3. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that the structures represented as "existing" were not previously permitted or grandfathered.
4. All construction related debris and materials shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. Appropriate siltation and erosion controls shall be in place prior to construction, maintained during construction, and shall remain

until the area is stabilized.

6. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
7. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
8. This permit does not allow dredging for any purpose.
9. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
10. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d), alteration of permanent docking facilities providing fewer than 5 slips.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The project as proposed meets the requirements of Rule Env-Wt 204.04, Criteria, for a waiver of Rule Env-Wt 402.21, Modification of Existing Structures.

2008-02367 159 POOR FARM ROAD TRUST, SAMUEL SICHKO
NEW LONDON Lake Sunapee

Requested Action:

The Applicant requests reconsideration with revised plans submitted May 19, 2009.

APPROVE RECONSIDERATION:

Reconsider and approve request to: Remove an existing seasonal structure and construct a 6 ft x 29 ft piling pier and 6 ft x 35 ft piling pier connected by a 6 ft x 10 ft 6 in walkway in a "4" configuration, drive 8 pilings to support 2 permanent boatlifts, drive 9 pilings for 3 ice clusters, and install two 13 ft x 28 ft seasonal canopies and a seasonal boatlift on an average of 152 ft of frontage on Lake Sunapee, in New London.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction as revised May 19, 2009, and received by DES on May 20, 2009.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
3. This permit does not allow for dredging for any purpose.
4. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
6. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
7. Work shall be carried out in a time and manner such that there will be no disturbance to migratory waterfowl breeding areas or fish spawning areas.
8. Canopies shall be of seasonal construction type with a flexible fabric cover. The seasonal support frame shall be removed for the non-boating season. Further, the flexible fabric cover shall be removed during all seasons of non-use.
9. Repairs to these structures may be conducted, as necessary, throughout the duration of this permit provided that the permittee

notifies the Wetlands Bureau and Conservation Commission, in writing, of the proposed start and completion date prior to performing any repair.

10. Any repairs made shall maintain the size, location, and configuration of the pre-existing structures.

11. The seasonal boatlift shall be removed for the non-boating season.

12. Piling driven to support the piers shall be spaced a minimum of 12 feet apart as measured center to center.

13. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d), construction of docking facilities providing 3 boat slips.

2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

5. The applicant has an average of 152 feet of shoreline frontage along Lake Winnepesaukee.

6. A maximum of 3 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.

7. The proposed docking facility will provide 3 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.

**2008-02521 NYCE, JAMES
MOULTONBOROUGH Lake Winnepesaukee**

Requested Action:

Appellant requests reconsideration of the Department's January 28, 2009 decision to deny the application for additional permanent docking structures on multiple grounds.

DENY RECONSIDERATION:

Reconsider and reaffirm the decision to deny the request for additional permanent docking structures on an average of 110 ft of frontage on Lake Winnepesaukee.

With Findings:

Grounds for Reconsideration

1. The Appellant maintains that a piling supported boatlift should be considered seasonal since the lift cradle can be raised to a height above the surface of the water during the non-boating season.

2. The Appellant maintains that the Department inappropriately utilized Rule Env-Wt 101.29 to define the proposed boatlift as a docking structure instead of using Rule Env-Wt 101.03 to define the lift as an accessory docking structure.

3. The Appellant claims that "Bureau staff has suddenly changed the interpretation of Env-Wt 101.29 to mean that a "boatlift" is now a "docking structure."

4. The Appellant further claims that "Boatlifts are an "Accessory Docking Structure" under Env-Wt 101.03 and have always been reviewed under this criteria."

5. The Appellant claims they are not requesting any seasonal structures under Env-Wt 101.82 and, therefore, the Department should not apply the seasonal structure criteria.

6. The Appellant states the canopy fabric shall be seasonal, but the support structure and frame shall not be seasonal.

7. The Appellant claims canopy frames are not required to be removed during the non-boating season.

8. The Appellant states the canopy supports and frames when attached to a permanent dock are permanent structures.

9. The Appellant cites portions of Rule Env-Wt 402.08, to support the claim that only the fabric cover of the canopy is required to be removed.

10. The Appellant states that since the canopy would be a permanent structure, Rule Env-Wt 101.82, Seasonal Structure, does not apply.

11. The Appellant claims the construction type of new, requested accessory docking structures is determined by the construction type of the existing structures rather than by application of the design and construction criteria for docking structures as established in the rules adopted by the Department. The Appellant claims that precedent for this method of evaluation was set in a finding made in Wetlands Application File # 2006-00295.
12. The Appellant objects to Finding # 13 of the original decision on the basis that their proposal to add pilings, a boatlift, and a seasonal canopy does not constitute a modification or expansion of the existing facilities.
13. The Appellant claims that there is no need for the proposal to add new permanent structures to meet the current criteria for the permitting of permanent structures since the pre-existing pier is permanent.
14. The Appellant maintains that the Department does permit permanent pilings for the sole purpose of supporting canopies.
15. The Appellant maintains that accessory docking structures are allowed adjacent to existing permanent piers.
16. The Appellant cites nine other wetland impact application files as evidence that the Wetlands Bureau allows accessory docking structures adjacent to existing permanent docking facilities.

Standards for Approval

1. In accordance with RSA 271:20, I, State Water Jurisdiction; Published List of Public Waters, All natural bodies of fresh water situated entirely in the state having an area of 10 acres or more are state-owned public waters, and are held in trust by the state for public use; and no corporation or individual shall have or exercise in any such body of water any rights or privileges not common to all citizens of this state; provided, however, the state retains its existing jurisdiction over those bodies of water located on the borders of the state over which it has exercised such jurisdiction.
2. As defined by RSA 482-A:2, IX, Definitions, in this chapter: IX. "'Structure" means, notwithstanding any other provision of law, something installed, erected, or constructed, but shall not include a bench, landing with dimensions no larger than 10 feet wide by 10 feet long, or stairs with a width not exceeding 6 feet, provided that such benches, landings, or stairs are installed, erected, or constructed without regrading or recontouring of the shoreline and are not over water. Structures include, but are not limited to, the following: fence, dock, breakwater, post, pile, building, bridge, culvert, and wall.
3. Pursuant to Rule Env-Wt 101.03 "Accessory docking structure" means a structure supplementary to a dock or wharf that assists in securing watercraft or protecting the dock or watercraft such as, for example, an ice cluster, piling, boat lift, or canopy.
4. Rule Env-Wt 101.08 defines "Boathouse" to mean a docking facility which has a permanent roof with or without sides covering the boat slip or slips.
5. Pursuant to Rule Env-Wt 101.14 "Canopy" means a seasonal open structure with a flexible fabric roof not able to withstand the expected snow load and without side walls, which is erected to shelter watercraft during the boating season.
6. Pursuant to Rule Env-Wt 101.82 "Seasonal dock or seasonal structure" means a dock or any other structure that is designed and constructed such that the structure and all associated supports can be completely removed from the surface water and its bed during the non-boating season, including but not limited to pipe docks, floating docks, and watercraft lifts. Please note that Chapter Env-Wt 100 has been corrected to put the definition of "seasonal dock or seasonal structure" into proper alphabetical order resulting in a new designation of the definition as Rule Env-Wt 101.81. In order to minimize confusion the Department shall continue to use the previous designation of Rule Env-Wt 101.82 throughout this document.
7. Pursuant to Rule Env-Wt 101.29 "Dock" as a noun or "docking facility" means a structure intended for securing of watercraft and/or to discharge and load passengers, freight, and other goods whether the structure is in the water or not.
8. Pursuant to Rule Env-Wt 101.65 "Permanent dock" means a dock in which the dock, its supports, or both are designed to remain in the bank or surface water bottom throughout the non-boating season. Permanent docks can be supported by piles or cribs in the water or can be cantilevered from the bank.
9. Pursuant to Rule Env-Wt 101.68 "Pile" means a long, slender column of timber, steel, concrete, stone, or other rigid material driven or jetted into a beach, bank or bottom of a water body.
10. In accordance with Rule Env-Wt 402.06 Permanent Docks, a permanent dock shall be approved only when an applicant establishes that the proposed site for the dock is exposed to a design fetch of at least 1 mile between compass headings 245 to 340 degrees, or a design fetch of at least 2 miles between compass headings 341 to 0 or 0 to 244 degrees, as measured from true north, or when the applicant does not meet the requirements, above, the applicant documents the occurrence of 1 foot high waves as measured from trough to crest in water at least 3 feet deep, at the location of the proposed dock on at least 4 separate occasions, lasting 4 hours each, between the dates of May 15 and October 15.
11. In accordance with Env-Wt 402.08, Canopies shall be constructed so as not to obstruct views from adjacent property or interfere with boating or swimming safety. The fabric covering of a canopy shall be removed from locations over surface waters during seasons of non-use.
12. Pursuant to Rule Env-Wt 402.09, (a), Structures Disallowed, boathouses located in or over the waters shall not be approved.

13. As stated in Rule Env-Wt 401.01, Purpose, the purpose of Chapter Env-Wt 400 Shoreline Structures "is to protect the public trust and other interests of the state of New Hampshire, by:
 - (a) Establishing requirements for the design and construction of structures in order to prevent unreasonable encroachment on surface waters of the State;
 - (b) Preserving the integrity of the surface waters of the state by requiring all structures to be constructed so as to insure safe navigation, minimize alterations in prevailing currents, minimize the reduction of water area available for public use, avoid impacts that would be deleterious to fish and wildlife habitat, and avoid impacts that might cause erosion to abutting properties; and
 - (c) Ensuring that all projects are constructed using the least impacting alternatives, in a manner that meets the requirements of RSA 483-B and shoreline and bank alteration or stabilization requirements.
14. In accordance with Rule Env-Wt 303.03, Minor Projects, (d) construction or modification of piling supported docking facilities providing less than 5 slips is a minor impact project.

Findings of Fact

1. On November 18, 2008 the Department received and application to construct a piling supported boatlift and canopy and reduce an illegally expanded piling pier to the pre-existing dimensions on property adjacent to Lake Winnepesaukee identified as Moultonborough tax map 175, lot 8.
2. Lake Winnepesaukee is a great pond held in trust by the State of NH in the interest of the public.
3. The construction of permanent docking structures and certain seasonal structures in freshwater has required a permit from the Department of Environment Services, Wetlands Bureau, or its predecessors since July 2, 1969.
4. The construction of all seasonal docking structures in freshwater has required a permit from the Department of Environment Services, Wetlands Bureau, or its predecessors since September 4, 1978.
5. In accordance with the Special Board Rules and Regulations as effective March 27, 1979, Section 3, Definitions, (E), "Canopies are seasonal structures having no side walls erected over a dock for the sheltering of water-borne craft."
6. In accordance with the Special Board Rules and Regulations as effective March 27, 1979, Section 4, Design and Construction, (D), "As a general policy, canopies of a temporary nature shall be those constructed so as not to obstruct views from adjacent property or interfere with boating or swimming safety . Canopies shall also be designed, constructed, and maintained in such a manner that they will be retracted or dismantled and removed from locations in surface waters during seasons of non-use."
7. Rule Wt 101.18 of the Wetlands Code of Administrative Rules as effective October 1991 defined "canopies" to mean "open structures covered with flexible fabric panels and without side walls which are erected over a dock for the sheltering of a water-borne craft during the boating season. Canopies are not able to withstand the expected snow load."
8. In accordance with the revised Wetlands Code of Administrative Rules as effective December 23, 1992, Rule Wt 101.12 defined "canopy" to mean "a seasonal open structure with a flexible fabric roof not able to withstand the expected snow load and without sidewalls, which is erected during the boating season."
9. Pilings, lifts and canopies are structures as defined pursuant to RSA 482-A:2, IX.
10. A "pile" or "piling" is a permanent structure as it is driven or jetted into the lakebed to a depth that would counter its buoyancy and allow it to withstand environmental conditions too harsh for a seasonal structure to withstand and as such cannot practicably be removed during the non-boating season.
11. Both boatlifts and pilings are structures which serve the purpose of securing watercraft and, as such, also meet the definition outlined in Rule Env-Wt 101.29 of "dock" or "docking structure".
12. Rule Env-Wt 101.03, Accessory Docking Structure, was first adopted into the Wetlands Code of Administrative Rules on February 28, 2004.
13. The only occurrence of the term "accessory docking structure" in the current Wetlands Code of Administrative Rules is found in Rule Env-Wt 302.03, (C), (2), (f), Avoidance, Minimization, and Mitigation, relative to those projects that shall not require mitigation.
14. The term "accessory docking structure" does not occur anywhere within Chapter Env-Wt 400, Shoreline Structures.
15. Both the proposed boatlift and canopy would be piling supported and, therefore, neither structure can be considered a "seasonal dock" or "seasonal structure" as defined per Rule Env-Wt 101.82.
16. The proposed piling supported boatlift meets the definition of "permanent dock" per Rule Env-Wt 101.65 and as such is only approvable where the criteria of Rule Env-Wt 402.06 has been met.
17. The Department does not permit piling for the sole purpose of supporting a canopy, which by definition, must be seasonal.
18. The Department does not prohibit the attachment of seasonal canopy frames and supports to legally existing or permitted permanent structures, provided the seasonal structure is designed to be detached and removed during the non-boating season.
19. The existing permanent pier on the subject property was not permitted under the current permanent dock rules, nor is there any

evidence that its initial construction occurred at a time when a standard for evaluating the need for a permanent versus a seasonal structure was in effect.

20. Permit #2002-00801 authorized the repair, in-kind, of a pre-existing 4 ft x 39 ft piling pier. The issuance of a permit for repair of a pre-existing structure in no way implies that the structure would comply with the criteria for new construction in effect at the time the repair permit was issued.

21. The location of the proposed permanent docking structures fails to meet the fetch requirements necessary to justify the construction of permanent structures as listed in Rule Env-Wt 402.06.

22. The Appellant failed to submit any photographic information as required to meet the alternative standard for the approval of permanent structures as outlined in Rule Env-Wt 402.06.

23. The Appellant states that their proposed method of construction is the exact same way these structures have been installed for many years and offers numerous examples of seasonal docking structure approvals issued by the Department in the past.

24. Throughout the course of the State's history in regulating docking structures, the Department and its predecessors have pursued rulemaking as necessary to address issues identified through field inspections and communication with the regulated community.

25. Revised wording for Rule Env-Wt 101.82 which more clearly stated that all seasonal structures must be designed with seasonal supports was adopted on February 23, 2008.

Rulings in Support of the Decision

1. Piling support structures, including boat lifts, fail to meet the current definition of "Seasonal dock or seasonal structure" and, therefore, they are considered to be permanent structures and are subject to the criteria for permanent docks as established in Rule Env-Wt 402.06.

2. The Appellant's statement on Page 3 of the Request for Reconsideration that "This is a permanent dock and boatlift" refutes their own assertion that the boatlift is a seasonal structure.

3. The Department agrees that boatlifts are accessory docking structures as defined by Rule Env-Wt 101.03, however, whether boatlifts are "accessory" or not, the term and definition reinforces the Department's position that these structure are clearly "docking structures," and as such, are subject to all of the requirements and design criteria found in Chapter Env-Wt 400.

4. Given that the term "accessory docking structure" did not appear in the Wetlands Program Code of Administrative Rules until February 28, 2004 and that it is not used within Chapter Env-Wt 400, which outlines the requirements and design criteria for the permitting and construction of docking structures, the Department finds the Appellant's assertions as outlined in Grounds for Reconsideration # 3 and # 4 are without merit.

5. The Department agrees with the Appellant's assertion that they are not requesting any seasonal structures and that all proposed structures would be permanent and reiterates its original ruling in support of the denial which stated "The proposed structures would be permanent structures and, as such, the Appellant is required to submit evidence that the criteria in Rule Env-Wt 402.06 has been met. The Appellant has failed to submit the required evidence and, therefore, the application is denied."

6. The Appellant is proposing to construct a permanent roof structure over a boat slip. A permanent roof structure is, by definition, a boathouse. The construction of boathouses is prohibited by Rule Env-Wt 402.09, Structures Disallowed, and, therefore, the project is not approvable.

7. Canopies are defined as "seasonal... structures" with "flexible fabric" roofs, not as structures with seasonal flexible fabric roofs, and as such, the frames and supports associated with canopies shall be of seasonal design type.

8. Rule Env-Wt 402.08 does not state that the fabric covers of canopies shall be removed during the non-boating season as claimed by the Appellant. Rule Env-Wt 402.08 states that the cover shall be removed "during seasons of non-use." The definition of seasonal structures specifies that they shall be removed for the "non-boating season". The use of a specific and different term with regards to the fabric cover only, as compared to that used relative to all other seasonal structures, indicates that the flexible fabric covers of canopies shall be treated differently than other seasonal structures. The Department finds the absence of specific language relative to the removal of seasonal support frames for canopies indicates that those frames shall meet the same requirements for design and removal as all other seasonal structures. It does not indicate that the canopy support frames are exempted from the removal requirements applicable to all seasonal structures.

9. It is evident from the language used in the rules adopted by the Special Board in 1979 which stated that canopies would be, "retracted or dismantled and removed from locations in surface waters during seasons of non-use" that there has historically been a requirement that frames supporting seasonal canopies would be seasonal and removed.

10. The project descriptions in the permits and applications cited by the Appellant specify that the approved structures would be "seasonal." The construction of permanent structures by the permit holder is a violation of the permit and does reflect upon the permitting consistency of the Department.

11. "Seasonal" canopies and boat lifts built or permitted prior to the adoption of the clarified language of Rule Env-Wt 101.82 on

February 23, 2008 are not relevant to the interpretation and application of the rule language in its current form.

12. Finding # 13 of the January 29, 2009, denial specified that "the construction or expansion of permanent docking facilities" would not be deemed to be minimum impact under Rule Env-Wt 303.04 (o). The Appellant is proposing to construct new structures that by the Appellant admission would be permanent. The Department reiterates its position that it does not deem the construction of permanent docking facilities to be minimum impact under Rule Env-Wt 303.04 (o).

13. The issue of whether or not the proposed structures are considered to be a modification of the existing structures was not germane to the Department's January 29, 2009 decision to deny that application. The decision that the application could not be approved was based upon the findings that the proposed structures were permanent, that there was no evidence that the site met the current criteria for permanent structures, and that the construction of a permanent roof over public waters is not approvable.

14. There is no language within Chapter Env-Wt 400 stating that "accessory docking structures" are not considered to be expansions of the docking facilities to which they are added. Chapter 400 regulates all docking structures in fresh waters; accessory or otherwise. The Appellant has proposed to install new permanent structures on this frontage. The Appellant has failed to provide evidence that the criteria established for the permitting of permanent structures outlined in Rule Env-Wt 402.06 has been met and has proposed a permanent roof structure prohibited under Rule Env-Wt 402.09 and, therefore, the Department reaffirms its January 29, 2009 decision to deny the application.

2008-02622 PUBLIC SERVICE OF NH
MANCHESTER Merrimack River

Requested Action:

Impact approximately 450 sq. ft. of river bank (Merrimack River) to construct/re-locate a canoe "take-out" and associated portage trail.

APPROVE PERMIT:

Impact approximately 450 sq. ft. of river bank (Merrimack River) to construct/re-locate a canoe "take-out" and associated portage trail.

With Conditions:

1. All work shall be in accordance with plans by Kleinschmidt Energy & Water Resource Consultants revision date April 7, 2009, as received by DES on April 16, 2009.
2. The environmental professional responsible for the project shall monitor the project and assure work is conducted in accordance with the approved plans and recommendation made by the New Hampshire Fish and Game Department in correspondence (e-mail) dated February 27, 2009, as received by DES on April 16, 2009.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
7. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
8. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
9. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(l) Projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Env-Wt 303.04(n). For intermittent streams, this distance shall be measured along the thread of the channel. For perennial streams or rivers, the total disturbance shall be calculated by summing the lengths of disturbances to the channel and the banks.

2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The project will improve ease and safety for access to the river and is required as part of Public Service of New Hampshire's Federal Energy Regulatory Commission licensing.
6. A majority of the project area contains an existing foot path and previous impacts.
7. DES Wetlands Bureau consulted with the Shoreland Program and it was determined the project would not require an additional Shoreland Permit as designed.
8. The New Hampshire Fish and Game Department does not expect impacts from the proposed project, however, did make recommendation on preservation of existing vegetation. The recommendations are a condition of the permit.
9. The applicant has obtained permission for work to be conducted on land owned by the City of Manchester.

2008-02650 REMINGTON, JOHN
LACONIA Lake Winnepesaukee

Requested Action:

Install a 6 ft x 36 ft piling pier with 6 ft wide steps to the water, drive 4 pilings to support a permanent boatlift, and install a 14 ft x 30 ft seasonal canopy and 2 seasonal personal watercraft lifts on an average of 121 ft of frontage on Lake Winnepesaukee, in Laconia.

Conservation Commission/Staff Comments:

Laconia Con Com has no concerns with proposed project

APPROVE PERMIT:

Install a 6 ft x 36 ft piling pier with 6 ft wide steps to the water, drive 4 pilings to support a permanent boatlift, and install a 14 ft x 30 ft seasonal canopy and 2 seasonal personal watercraft lifts on an average of 121 ft of frontage on Lake Winnepesaukee, in Laconia.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction as revised May 10, 2009, and received by DES on May 14, 2009.
2. This permit shall not be effective until it has been recorded with the Belknap County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
3. Canopies shall be of seasonal construction type with a flexible fabric cover. The seasonal support frame shall be removed for the non-boating season. Further, the flexible fabric cover shall be removed during all seasons of non-use.
4. These shall be the only structures on this water frontage and all portions of the docking structures shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.
5. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
6. All seasonal structures shall be removed from the lake for the non-boating season.
7. Pilings supporting the pier shall be spaced a minimum of 12 ft apart as measured center to center.
8. No portion of the docking structure shall extend more than 36 ft lakeward of the normal high water line.
9. This permit does not allow for any dredging for any purpose.
10. In order preserve Bald eagle habitat, no trees over 8 inches in diameter shall be removed from the frontage for the purpose of completing the construction of these approved structures.
11. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This project is classified as a minor project per Rule Env-Wt 303.03(d), construction of a 2 slip permanent docking facility.
2. The applicant has an average of 121 feet of shoreline frontage along Lake Winnepesaukee.
3. A maximum of 2 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage 4ver 75'.
4. The proposed docking facility will provide 2 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.
5. The Applicant has submitted information indicating that this frontage meets the requirements of Rule Env-Wt 402.06 for the construction of a permanent pier.
6. There is no tree removal associated with the construction of the docking facilities and, therefore, this project should have no adverse impact on the use of the area by Bald eagle.

2009-00297 FERBERT, FREDERICK
ALTON Lake Winnepesaukee

Requested Action:

Repair and reconfigure existing shoreline structures resulting in 12 ft of rock retaining wall, a 14 ft 9 in x 31 ft partial dug-in boathouse, with a 3 ft x 14 ft walkway over a stone base along the north side and a 12 ft 3 in x 23 ft 8 in concrete pier along the south side, reset 6 ft wide granite steps to the water and repair 14 sq ft of shoreline. No work or modifications are proposed to the two existing seasonal personal watercraft lifts, the 6 ft x 20 ft seasonal pier, and concrete hinge pad.

APPROVE PERMIT:

Repair and reconfigure existing shoreline structures resulting in 12 ft of rock retaining wall, a 14 ft 9 in x 31 ft partial dug-in boathouse, with a 3 ft x 14 ft walkway over a stone base along the north side and a 12 ft 3 in x 23 ft 8 in concrete pier along the south side, reset 6 ft wide granite steps to the water and repair 14 sq ft of shoreline. No work or modifications are proposed to the two existing seasonal personal watercraft lifts, the 6 ft x 20 ft seasonal pier, and concrete hinge pad.

With Conditions:

1. All work on the 100 ft of frontage shall be in accordance with plans by Watermark Marine Construction dated February 12, 2009, as received by DES on February 18, 2009.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
3. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that the structures represented as "existing" were not previously permitted or grandfathered.
4. All construction related debris and materials shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. Appropriate siltation and erosion controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
6. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
7. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
8. This permit does not allow dredging for any purpose.
9. Seasonal piers and lifts shall be removed for the non-boating season.
10. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
11. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d), alteration of docking facilities providing 4 slips.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided

evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

5. The project as proposed meets the requirements of Rule Env-Wt 204.04, Criteria, for a waiver of Rule Env-Wt 402.21, Modification of Existing Structures.

2009-00379 CAINE, FRANK & MONICA
ALTON Lake Winnepesaukee

Requested Action:

Install two 6 ft x 40 ft seasonal docks connected by a 6 ft x 12 ft seasonal walkway connected to two 6 ft x 3 ft concrete pads on the shore, with two seasonal PWC lifts and a seasonal boatlift in the center slip with an 8 ft x 25 ft seasonal canopy on an average of 200 ft of frontage on Lake Winnepesaukee, in Alton.

Conservation Commission/Staff Comments:

Con Com commented about photos taken during snow cover, but has no objections to proposed project

APPROVE PERMIT:

Install two 6 ft x 40 ft seasonal docks connected by a 6 ft x 12 ft seasonal walkway connected to two 6 ft x 3 ft concrete pads on the shore, with two seasonal PWC lifts and a seasonal boatlift in the center slip with an 8 ft x 25 ft seasonal canopy on an average of 200 ft of frontage on Lake Winnepesaukee, in Alton.

With Conditions:

1. All work shall be in accordance with plans by Docks Unlimited, as received by DES on March 02, 2009.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
4. Seasonal pier shall be removed from the lake for the non-boating season.
5. No portion of the pier shall extend more than 40 feet from the shoreline at full lake elevation.
6. The seasonal PWC lifts shall be removed from the lake for the non-boating season.
7. The seasonal boatlift shall be removed from the lake for the non-boating season.
8. Canopies shall be of seasonal construction type with a flexible fabric cover. The seasonal support frame shall be removed for the non-boating season. Further, the flexible fabric cover shall be removed during all seasons of non-use.
9. The concrete pad shall be located entirely landward of full lake elevation of 504.32 and entirely behind the natural undisturbed shoreline.
10. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d), construction or modification of any docking system that exceeds the design and construction criteria discussed at Env-Wt 402.01 for minimum impact docks classified under Env-Wt 303.04.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has an average of 200 feet of shoreline frontage along Lake Winnepesaukee.
5. A maximum of 3 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
6. The proposed docking facility will provide 3 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.

-Send to Governor and Executive Council-

2009-00481 CIADELLI REVOC TRUST, ANDREW & MATTHEW
MILFORD Tributary To Witches Brook

Requested Action:

Dredge and fill a total of 9,653 sq. ft. within a man-made 3-acre pond to reconstruct the breached embankment, construct a new outlet structure and plant native emergent vegetation in shallow areas to enhance wildlife habitat.

Conservation Commission/Staff Comments:

The Milford Conservation Commission recommends approval of the project.

APPROVE PERMIT:

Dredge and fill a total of 9,653 sq. ft. within a man-made 3-acre pond to reconstruct the breached embankment, construct a new outlet structure and plant native emergent vegetation in shallow areas to enhance wildlife habitat.

With Conditions:

1. All work shall be in accordance with plans by Sandford Surveying & Engineering dated 2/23/09 (last revised 3-4-09), as received by DES on March 18, 2009.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and/or further permitting by the Bureau.
3. NH DES Wetlands Bureau Southeast Region staff and the Milford Conservation Commission shall be notified in writing prior to commencement of work and upon its completion.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Work shall be done during low flow.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The project is maintenance of an existing man-made pond that suffered storm damage from excessive rainfall which exceeded the capacity of the outlet structure.

MINIMUM IMPACT PROJECT

2009-00187 239 ATLANTIC AVENUE REALTY TRUST, CHARLES DAHER JR
SEABROOK Atlantic Ocean

Requested Action:

Impact 2,108 sq. ft. of previously disturbed sand dune vegetation to remove the existing dwelling from site and construct two new dwellings, one on each of the two lots on which the existing dwelling is located. Native sand dune vegetation will be replanted around the new dwellings in place of lawn or any other landscape plantings.

Conservation Commission/Staff Comments:

The Seabrook Conservation Commission has "no objections" to this project as proposed.

Inspection Date: 10/31/2008 by Frank D Richardson

APPROVE PERMIT:

Impact 2,108 sq. ft. of previously disturbed sand dune vegetation to remove the existing dwelling from site and construct two new dwellings, one on each of the two lots on which the existing dwelling is located. Native sand dune vegetation will be replanted around the new dwellings in place of lawn or any other landscape plantings.

With Conditions:

1. All work shall be in accordance with plans by Millennium Engineering, Inc. dated Dec. 16, 2008, as received by DES on February 03, 2009.
2. "Proposed dune grass" areas shall be regraded to original contours and planted with native sand dune vegetation following completion of work.
3. Only indigenous sand dune vegetation collected on site from the impact areas and/or native American Beach Grass (*Ammophila breviligulata*) shall be used in the areas labeled "proposed dune grass" on the approved plans.
4. NH DES Wetlands Bureau Southeast Region staff and the Seabrook Conservation Commission shall be notified in writing prior to commencement of work and upon its completion.
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Sand dune replication areas shall have at least 75% successful establishment of sand dune vegetation after two (2) growing seasons, or it shall be replanted and re-established until sand dune vegetation is replicated in a manner satisfactory to the DES Wetlands Bureau.
8. Exceptional precautions shall be taken to assure that there is absolutely no impact to the native sand dune vegetation in the area labeled "dune habitat" on the approved plans, immediately to the east of the easterly property line.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(o), projects deemed minimum impact by the department based on the degree of environmental impact.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. Although sand dune vegetation is present in the impact area, this vegetation has developed there over time due to suitable edaphic conditions supporting growth, but it is not a natural sand dune formation.

2009-00569 **BEDOR, JOEL & CATHERINE**
LITTLETON **Unnamed Stream**

Requested Action:

Proposal to dredge and fill 4902 sq. ft. of wetlands for construction of two driveways in a proposed two lot subdivision for Habitat for Humanity. Proposed work in wetlands as follows: "Area 1" consisting of the 2890 sq ft. of wetlands impacts for installation of an 18 in. x 30 ft. culvert with associated dredging, filling and side slope stabilization. "Area 2" consisting of 2012 sq. ft. of wetlands impact and associated stream (30 linear feet) for installation of a 24 in. x 30 ft. culvert associated dredging, filling and side slope stabilization.

APPROVE PERMIT:

Dredge and fill 2890 sq. ft. of wetlands for construction a driveway for access to a proposed single family residence, Habitat for

Humanity home. Proposed work in wetlands consists of installation of an 18 in. x 45 ft. culvert with associated dredging, filling and side slope stabilization.

With Conditions:

1. All work shall be in accordance with plans by Kellogg Surveying & Mapping, Inc., dated July 2008, (no new revision date but revised to combine lots and only include one home and impacts identified as "Area #1") as received by DES on May 14, 2009.
2. Work shall be done during low flow.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. All driveway side slopes shall be loamed and seeded using proper stabilization techniques.
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
6. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
7. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
11. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
12. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
13. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
14. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore, stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f) Projects involving alteration of less than 3,000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Env-Wt 303.02(k), provided that no previous department permit has placed restrictions on the property of the applicant.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant's previous application #2008-01946 was denied untimely because requested follow-up information was not received within 60 days per RSA 482-482-A:3, XIV.
6. The applicant has requested a waiver to Administrative Rule Env-Wt 304.04(a). DES did not act on the waiver request because the applicant has further revised the project and removed the proposed driveway that would require a review and decision of the waiver request.
7. An abutter has submitted comments in objection to the proposed project of two homes and two impact areas. The objection to the proposed project centered around concerns of increased flooding by filling wetlands and the increased impervious surfaces. In addition, the abutter objected to the waiver request of the 20 foot setback.
8. The applicant has proposed adding rain gutters and infiltration rain gardens to alleviate abutter concerns that the project would add to the existing flooding issues.
9. The abutter objected to proposed rain gardens and gutters and wanted a detailed drainage plan.
10. The applicant has revised the proposal to now only include one home and one driveway combining the lots back into one approximately 2.5 acre lot.

11. The new design combines the two lots into one, removes all impacts from lot 85-101, removes all impacts that would require the requested waiver and moves all wetland impacts approximately 500 feet from the concerned abutter's property.
12. The proposed wetland impacts have been reduced from 4,902 square feet to 2,890 square feet and no stream impacts.
13. The reduction in wetlands impacts reduces the project to a minimum impact as noted in finding #1.
14. The rain garden and gutter proposal has been removed. The storm runoff that does not infiltrate will now sheet flow across the uplands prior to entering the adjacent wetlands.
15. The applicant is using standard driveway design and all side slopes are required to be loamed and seeded for driveway runoff.
16. The applicant indicated that the previous design created less than 8 percent new impervious surface on the entire site. The new design should reduce impervious surfaces to approximately 4 percent.
17. The site has available municipal sewer and water that could have serviced two building lots.
18. The applicant has lost a building lot that could have provided an additional home for a Home for Humanity participant.
19. It appears the drainage issues near South Grove Street are an existing and ongoing issue.
20. The 2,890 square foot impact for access to one home on a 2.5 acre lot is a reasonable and typically permissible request when no upland access is available.

FORESTRY NOTIFICATION

2009-00899 CURRIER, ROGER
NEW IPSWICH Unnamed Stream

COMPLETE NOTIFICATION:
New Ipswich Tax Map 11, Lot# 13 & 26

2009-00901 TROY, GERALD
BATH Unnamed Stream

COMPLETE NOTIFICATION:
Bath Tax Map 12, Lot# 19

2009-00905 MEADOWSEND TIMBERLANDS LTD
WALPOLE Unnamed Stream

COMPLETE NOTIFICATION:
Walpole Tax Map 6, Lot# 21

2009-00906 MEADOWSEND TIMBERLANDS LTD
SURRY Unnamed Stream

COMPLETE NOTIFICATION:
Surry Tax Map 1, Lot# 7

2009-00932 JOHNSON, LAWRENCE
LEMPSTER Unnamed Stream

COMPLETE NOTIFICATION:
Lempster Tax Map 4, Lot# 475,311

2009-00933 HAYES FAMILY LLC, MARY HAYES
NEWPORT Unnamed Stream

COMPLETE NOTIFICATION:
Newport Tax Map 61, Lot# 893

2009-00934 YOSEMITE DEVELOPMENT, JONATHAN
PLYMOUTH Unnamed Stream

COMPLETE NOTIFICATION:
Plymouth Tax Map 5, Lot# 56

2009-00935 FORDWAY BROOK DEVELOPMENT LLC, SHANE CARTER
RAYMOND Unnamed Stream

COMPLETE NOTIFICATION:
Raymond Tax Map 15, Lot# 6 & 7

2009-00939 THIBEAULT CORP OF NEW ENGLAND
MILFORD Unnamed Stream

COMPLETE NOTIFICATION:
Milford Tax Map 59, Lot# 1, 2 & 6

2009-00942 DRED, NH
WASHINGTON Unnamed Stream

COMPLETE NOTIFICATION:
Washington Tax Map 4, Lot# 6 Pillsbury State Park

2009-00943 MULREED, WILLIAM
ORANGE Unnamed Stream

COMPLETE NOTIFICATION:
Orange Tax Map 10, Lot# 14

2009-00944 H & H INVESTMENTS LLC, DONALD HARDWICK
DANBURY Unnamed Stream

COMPLETE NOTIFICATION:
Danbury Tax MAp/Lot# 401/1, 403/18,19, 20

2009-00945 H & H INVESTMENTS LLC, DONALD HARDWICK
GRAFTON Unnamed Stream

COMPLETE NOTIFICATION:

Grafton Tax Map/Lot# 13/1235, 7/106, 8/923,929

2009-00946 SWAIN, HOWARD
CANDIA Unnamed Stream

COMPLETE NOTIFICATION:

Candia Tax Map 406, Lot# 112

2009-00949 DLUZNIEWSKI, FRANK
WILMOT Unnamed Stream

COMPLETE NOTIFICATION:

Wilmot Yax Map 7, Lot# 24-25

2009-00952 ALBRIGHT, JEFF
UNITY Unnamed Stream

COMPLETE NOTIFICATION:

Unity Tax Map 13, Lot# 647

2009-00953 ALGER, WILLIAM
AUBURN Unnamed Stream

COMPLETE NOTIFICATION:

Auburn Tax MAp 4, Lot# 19A-2

2009-00954 VIBERT, CALVIN
WASHINGTON Unnamed Stream

COMPLETE NOTIFICATION:

Washington Tax Map 15, Lot# 52

2009-00955 SPRAGUE BROOK INC
RICHMOND Unnamed Stream

COMPLETE NOTIFICATION:

Richmond Tax Map/Lot# 408/15, 32 & 409/ 103, 105

2009-00956 TURNER, JEREMY
UNITY Unnamed Stream

COMPLETE NOTIFICATION:

Unity Tax Map 3, Lot# 320

2009-00962 HALL, GARDNER
PLYMOUTH Unnamed Stream

COMPLETE NOTIFICATION:
Plymouth Tax Map 215, Lot# 2

2009-00963 KENNETT, CROSBY
TAMWORTH Unnamed Stream

COMPLETE NOTIFICATION:
Tamworth Tax Map 406, Lot# 56

2009-00964 LION, PETER
DEERFIELD Unnamed Stream

COMPLETE NOTIFICATION:
Deerfield Tax Map 405, Lot# 28 & 34

2009-00965 MOSER, BRAIN
WINCHESTER Unnamed Stream

COMPLETE NOTIFICATION:
Winchester Tax Map 8, Lot# 27-4

2009-00966 STEVENS, HARLEY
DEERFIELD Unnamed Stream

COMPLETE NOTIFICATION:
Deerfield Tax Map 415, Lot# 47-1

2009-00967 NUTE, JONATHAN
MILTON Unnamed Stream

COMPLETE NOTIFICATION:
Milton Tax Map 25, Lot# 12

2009-00968 HEBERT, NORMAN & LAURA
STRAFFORD Unnamed Stream

COMPLETE NOTIFICATION:
Strafford Tax Map 2, Lot# 5-3

EXPEDITED MINIMUM

2009-00271 ROCHESTER, CITY OF
ROCHESTER Drainage Ditch

Requested Action:

Dredge and fill 1,500 sq. ft. to install twin 48" x 65' replacement culverts in drainage ditch associated with Pickering Trail.

APPROVE PERMIT:

Dredge and fill 1,500 sq. ft. to install twin 48" x 65' replacement culverts in drainage ditch associated with Pickering Trail.

With Conditions:

1. All work shall be in accordance with plans by Eric Mitchell & Associates dated April 17, 2008, as revised by the City of Rochester dated April 28, 2009, as received by DES on April 29, 2009.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
4. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
5. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. Culvert outlets shall be properly rip rapped.
10. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Work shall be done during low flow.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(x), maintenance, repair, or replacement of a non-docking structure such as a culvert or headwall.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The existing culverts are deteriorated and washed out.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The improvement in matching culvert size and style will improve flow and aquatic passage without exceeding the intent of Env-Wt 303.04(x).
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project. There were no species of concern reported by the NH Natural Heritage Bureau for the project area.
5. The Rochester Conservation Commission signed the expedited application.

2009-00495 NASHUA SCHOOL DISTRICT, CITY OF
NASHUA Unnamed Wetland

Requested Action:

Dredge and fill 1,046 square feet of palustrine forested wetland for the construction of a 20-foot wide paved fire road around the existing New Searless Elementary School building for emergency vehicle access and egress.

Conservation Commission/Staff Comments:

The Nashua Conservation Commission signed the Minimum Impact Expedited application.

APPROVE PERMIT:

Dredge and fill 1,046 square feet of palustrine forested wetland for the construction of a 20-foot wide paved fire road around the existing New Searless Elementary School building for emergency vehicle access and egress.

With Conditions:

1. All work shall be in accordance with the following plans by Keach-Nordstrom Associates, Inc. dated October 27, 2008:
 - a.) The Grading, Drainage and Utility Plan (Sheet 5 of 16), as received by DES on March 5, 2009; and,
 - b.) The Erosion Control Plan (Sheet 7 of 16) revised through April 27, 2009, as received by DES on April 28, 2009.
2. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
3. This permit is contingent on approval by the DES Alteration of Terrain Program.
4. Work shall be done during seasonal low flow conditions.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), alteration of less than 3,000 square feet of forested wetland.
2. Currently, the existing access road is too narrow and steep for safe emergency vehicle passage, therefore; the need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The impacts are unavoidable to properly construct a wider access road, therefore; the applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2009-00517 ROCHESTER DPW, CITY OF
ROCHESTER Hanson Pond

Requested Action:

Temporarily impact approximately 800 sq. ft. to remove remnant concrete spillway from breached dam and stabilize banks immediately adjacent.

APPROVE PERMIT:

Temporarily impact approximately 800 sq. ft. to remove remnant concrete spillway from breached dam and stabilize banks immediately adjacent.

With Conditions:

1. All work shall be in accordance with plans by Eric Mitchell & Associates Inc. dated 4/23/2009, as received by DES on

4/30/2009.

2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
4. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
7. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
8. Work shall be done during low flow.
9. Area shall be regraded to original contours following completion of work.
10. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(x), repair or replacement of a non-docking structure.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. Hanson Pond dam breached in April 2007. The project will remove spillway/abutment remnants and stabilize the banks.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project. No species of concern were reported by the NH Heritage Bureau for the project vicinity.
5. The Rochester Conservation Commission signed the expedited application.

2009-00556 HAMPSHIRE HOSPITALITY HOLDINGS
MEREDITH Lake Winnepesaukee

Requested Action:

Stabilize 49 linear feet of shoreline by cutting back the slope, constructing a retaining wall and adding plantings to the frontage on Lake Winnepesaukee, Meredith.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Stabilize 49 linear feet of shoreline by cutting back the slope, constructing a retaining wall and adding plantings to the frontage on Lake Winnepesaukee, Meredith.

With Conditions:

1. All work shall be in accordance with plans by G2+1 LLC revision dated March 25, 2009, as received by DES on April 02, 2009.
2. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
3. Retaining wall shall be constructed landward of the shoreline defined by the elevation of normal high water so as not to create land in public water.

4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Slope stabilization and plantings shall be completed within 30 days of completion of the retaining wall and steps.
6. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(m), projects that disturb less than 50 linear feet, measured along the shoreline of a lake.

2009-00618 PSNH
LOUDON Unnamed Wetland

Requested Action:

Impact 890 sq. ft. of wetlands (includes 485 sq. ft. of temporary impacts) to construct an access driveway and installation/maintenance area for 3 new power regulator poles within the Public Service of New Hampshire's "CL 319 Line" right of way. Work in wetlands includes installation of a 12 in. x 15 ft. RCP, associated filling, erosion, sedimentation and turbidity controls, temporary wetlands impact restoration and stabilization.

APPROVE PERMIT:

Impact 890 sq. ft. of wetlands (includes 485 sq. ft. of temporary impacts) to construct an access driveway and installation/maintenance area for 3 new power regulator poles within the Public Service of New Hampshire's "CL 319 Line" right of way. Work in wetlands includes installation of a 12 in. x 15 ft. RCP, associated filling, erosion, sedimentation and turbidity controls, temporary wetlands impact restoration and stabilization.

With Conditions:

1. All work shall be in accordance with plans by Nobis Engineering Inc., dated April 7, 2009, as received by DES on April 20, 2009.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Within three days of final grading, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
8. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
9. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
10. Wetland restoration areas shall have at least 75% successful establishment of wetlands vegetation after one growing season, or it shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
11. A New Hampshire Certified Wetland Scientist shall submit a follow-up monitoring report depicting the successful restoration of the temporary wetlands impacts and stability of surrounding permanent impact site. The report shall be submitted by the end of the first growing season following the completion of the driveway access and no later than one year from the start of construction.
12. Work shall be done during low flow and low ground water.
13. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
14. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each

operator shall be trained in its use.

15. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f) Projects involving alteration of less than 3,000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Env-Wt 303.02(k), provided that no previous department permit has placed restrictions on the property of the applicant.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant has indicated that NHDOT required access, lesser wetlands impacts, proximity to a house, landowner rights and required location of the power regulators were used to determine the best location for the project.
6. The project is located within the existing power line right of way.
7. The Conservation Commission signed the application.
8. The NH Fish and Game Department has indicated that the project is unlikely to impact the species identified in the area.
9. The department has not received any objections to the proposed project.

2009-00691

LION, PETER

DEERFIELD Unnamed Wetland

Requested Action:

Dredge and fill a total of 2,870 sq. ft. of wetlands to construct 3 driveway crossings, including a)1,100 sq. ft. of impact and installation of twin 12" x 35' culverts; b)700 sq. ft. of impact and installation of twin 12" x 35' culverts; and c) 1,070 sq. ft. of impact and installation of twin 12" x 35' culverts, for access on a single family 155-acre lot.

APPROVE PERMIT:

Dredge and fill a total of 2,870 sq. ft. of wetlands to construct 3 driveway crossings, including a)1,100 sq. ft. of impact and installation of twin 12" x 35' culverts; b)700 sq. ft. of impact and installation of twin 12" x 35' culverts; and c) 1,070 sq. ft. of impact and installation of twin 12" x 35' culverts, for access on a single family 155-acre lot.

With Conditions:

1. All work shall be in accordance with plans by Ross Engineering dated 4/14/2009, as received by DES on 4/21/2009.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. No fill shall be done to achieve septic setback and no dredging shall take place that would contradict the DES Subsurface Systems Bureau rules.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
4. Culvert outlets shall be properly rip rapped.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(z), installation of culverts and associated fill for access to a single family lot.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The applicant must cross wetlands at some point on the property to reach the buildable interior of the lot.

3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project. There were no species of concern reported for the project vicinity by the NH Natural Heritage Bureau.
5. The Deerfield Conservation Commission signed the expedited application.

2009-00714 LOCH LYME LODGE INC, LIZ RYAN COLE
LYME Unnamed Wetland

Requested Action:

Propose to temporarily impact 120 square feet of wetlands and approximately 7 linear feet of an associated intermittent stream for the installation of two 4" PVC conduits for two 2" sewer force mains.

Conservation Commission/Staff Comments:

Conservation Commission signed application.

APPROVE PERMIT:

Temporarily impact 120 square feet of wetlands and approximately 7 linear feet of an associated intermittent stream for the installation of two 4" PVC conduits for two 2" sewer force mains.

With Conditions:

1. All work shall be in accordance with plans by CLD Consulting Engineers, as received by DES on April 23, 2009.
2. Work shall be done during periods of non-flow.
3. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
7. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
8. The wetland impact area (restoration area) shall be regraded to original contours following completion of work.
9. Mulch within the restoration area shall be straw.
10. Seed mix within the restoration area shall be a wetland seed mix appropriate to the area and shall be applied in accordance with manufacturer's specifications.
11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
13. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.
14. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.
15. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

With Findings:

1. This is a minimum impact project per 303.04 (n) Projects that alter the course of or disturb less than 50 linear feet, measured along the thread of the channel, of an intermittent nontidal stream channel or its banks provided construction is performed during periods of non-flow.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. All wetland impacts are temporary.
6. The wetland impacts are necessary for a septic system upgrade.
7. The impact area is unrelated to recent wetlands permits for the property.
8. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau
9. The Lyme Conservation Commission signed the application waiving their right to intervene pursuant to RSA 482-A:11.

2009-00723 SALERNO, ANTHONY
HEBRON Newfound Lake

Requested Action:

Reduce an existing unpermitted landing to no larger than 10 ft x 10 ft, install a 6 ft x 40 ft seasonal dock on Newfound Lake, Hebron.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Reduce an existing unpermitted landing to no larger than 10 ft x 10 ft, install a 6 ft x 40 ft seasonal dock on Newfound Lake, Hebron.

With Conditions:

1. All work shall be in accordance with plans by New Hampshire Environmental Consultants revision dated May 13, 2009, as received by DES on May 15, 2009.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
4. The seasonal dock shall not be installed until the unpermitted landing is reduced to no larger than 10 ft x 10 ft in dimensions.
5. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
6. Seasonal pier shall be removed from the lake for the non-boating season.
7. No portion of the pier shall extend more than 40 feet from the shoreline at full lake elevation.
8. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(a), construction of a seasonal dock.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has an average of 100 feet of shoreline frontage along Newfound Lake.
4. A maximum of 2 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
5. The proposed docking facility will provide 2 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.

6. The applicant is reducing an existing landing to conforming dimensions pursuant to RSA 482-A:2.

GOLD DREDGE

2009-00924 TEELE, JONATHAN
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc Bath ConCom

2009-00925 KUHLMAN JR, RICHARD
(ALL TOWNS) Unnamed Stream

2009-00926 DEARBORN, VIRGINIA
(ALL TOWNS) Unnamed Stream

2009-00927 DEARBORN, DENNIS
(ALL TOWNS) Unnamed Stream

2009-00958 SPEICHER, NANCY
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc Bath ConCom

TRAILS NOTIFICATION

2009-00902 CONCORD, CITY OF
CONCORD Unnamed Stream

COMPLETE NOTIFICATION:
Concord Tax Map 96, Lot# 11

2009-00940 **MITCHELL, SCOTT & REBECCA**
LANDAFF **Unnamed Stream**

COMPLETE NOTIFICATION:
Landaff Tax Map/Lot# 4/1A & 5/1

2009-00941 **LISBON, BOARD OF SELECTMEN**
LISBON **Unnamed Stream**

COMPLETE NOTIFICATION:
Lisbon Tax Map 40, Lot# 12

LAKES-SEASONAL DOCK NOTIF

2009-00882 **SPEAK, JON**
CONWAY **Unnamed Pond Conway Lake**

2009-00921 **ORR, JOHN**
STRAFFORD **Bow Lake**

COMPLETE NOTIFICATION:
Starfford Tax Map 23, Lot# 63-2 Bow Lake

2009-00922 **BLANCHARD, MONETTE**
CENTER HARBOR **Lake Waukewan**

COMPLETE NOTIFICATION:
Center Harbor Tax Map 2, Lot# 72 Lake Waukewan

2009-00923 **CONLY, DALE**
NEW LONDON **Little Sunapee Lake**

COMPLETE NOTIFICATION:
New LOnon Tax Map 43, Lot# 21 Little Lake Sunapee

2009-00930 **VELIE, PETER**
MOULTONBOROUGH **Berry Pond**

COMPLETE NOTIFICATION:
Moultonborough Tax Map 43, Lot# 12 Berry Pond

2009-00961 JTT HOLDINGS LLC, JEFF & TOM THOMPSON
WINDHAM Cobbetts Pond

COMPLETE NOTIFICATION:

Windham Tax Map 17, lot# 120 Cobbetts Pond

ROADWAY MAINTENANCE NOTIF

2009-00908 NH DEPT OF TRANSPORTATION, BUREAU OF RAIL & TRANSI
NEW HAMPTON Unnamed Stream

COMPLETE NOTIFICATION:

Replace damaged 18" HDPE culvert with new 24" Rep culvert. Place 6" erosion stone at both inlet and outlet. Boynton Road, New Hampton

2009-00910 NH DEPT OF TRANSPORTATION
WHITEFIELD Unnamed Stream

COMPLETE NOTIFICATION:

Culvert replacement, 15"x60', same size and location. Route 116, Whitefield

2009-00911 NH DEPT OF TRANSPORTATION
JEFFERSON Unnamed Stream

COMPLETE NOTIFICATION:

culvert replacements and extensions at three locations. Route 116, Jefferson

2009-00913 NH DEPT OF TRANSPORTATION
LEE Unnamed Stream

COMPLETE NOTIFICATION:

Line an Existing 36" RCP with HDPE Route 125, Lee

2009-00928 NH DEPT OF TRANSPORTATION, DISTRICT 2
BOSCAWEN Unnamed Stream

COMPLETE NOTIFICATION:

Culvert replacement Route 4 Boscawen

2009-00929 NH DEPT OF TRANSPORTATION
CLARKSVILLE Unnamed Stream

COMPLETE NOTIFICATION:

Replace a 16" culvert in kind Route 145 Clarksville

**2009-00970 NH DEPT OF TRANSPORTATION
GREENFIELD Unnamed Stream**

COMPLETE NOTIFICATION:

Greenfield Replace 15"x 30' with a 15"x 40' culvert

**2009-00971 FEDERAL AVIATION ADMINISTRATION
CONCORD Unnamed Stream**

COMPLETE NOTIFICATION:

Concord Tax Map 100, Lot# 2

**2009-00972 NH DEPT OF TRANSPORTATION
WALPOLE Unnamed Stream**

COMPLETE NOTIFICATION:

Replace an exisiting culvert with new

**2009-00973 NH DEPT OF TRANSPORTATION
STEWARTSTOWN Unnamed Stream**

COMPLETE NOTIFICATION:

Replace culvert in kind and clean ditches

**2009-00974 NH DEPT OF TRANSPORTATION
JEFFERSON Unnamed Stream**

COMPLETE NOTIFICATION:

Replace 15" culvert in kind

**2009-00975 NH DEPT OF TRANSPORTATION
COLEBROOK Unnamed Stream**

COMPLETE NOTIFICATION:

Replace culvert and maintenance dredge ditches

PERMIT BY NOTIFICATION

**2009-00842 UNITED STATES COAST GARD
NEW CASTLE Piscataqua River**

Requested Action:

In-kind replacement of the deteriorated timber bracing and fasteners beneath Boat House Pier and the in-kind repair of Quay Wall on the Piscataqua River.

Conservation Commission/Staff Comments:

The New Castle Conservation Commission signed the PBN.

PBN IS COMPLETE:

In-kind replacement of the deteriorated timber bracing and fasteners beneath Boat House Pier and the in-kind repair of Quay Wall on the Piscataqua River.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(v) Maintenance, repair, and replacement in-kind of existing docking structures, such as breakwaters, docks, boat houses, piers, wharves, walkways, boat ramps, tie-off pilings, ice clusters, dolphins, or other docking facilities

2009-00887 FAY'S BOAT YARD, MERRILL FAY
GILFORD Lake Winnepesaukee

Requested Action:

Repair existing docking structures.

Conservation Commission/Staff Comments:

Con Com did not sign PBN form

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.

2009-00915 NEW ENGLAND POWER CO
LEBANON Unnamed Wetland

Requested Action:

Propose to temporarily impact less than 10 square feet of palustrine emergent and scrub-shrub wetlands in a utility right-of-way easement for the replacement of a utility pole and associated guy wire.

PBN IS COMPLETE:

Temporarily impact less than 10 square feet of palustrine emergent and scrub-shrub wetlands in a utility right-of-way easement for the replacement of a utility pole and associated guy wire.

With Findings:

1. The Conservation Commission signed the PBN waiving their right to intervene pursuant to RSA 482-A:11.
2. This project meets the criteria of NH Administrative Rule Env-Wt 506.01(a) (14) temporary impacts associated with the inspection, maintenance and repair of existing utility lines within an existing utility right-of-way that meet the criteria of Env-Wt 303.04(af).
3. The digger truck will be stationed on the road and will not enter the wetland.
4. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau.

2009-00916 CARINE, JANICE
GILFORD Lake Winnepesaukee

Requested Action:

Repair of existing docking structures.

Conservation Commission/Staff Comments:

Con Com signed PBN form

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.

2009-00957 BRINEY, TONY & AMY
GILFORD Lake Winnepesaukee

Requested Action:

Repair existing docking structure and install 2 seasonal boat lifts.

Conservation Commission/Staff Comments:

Con Com did not sign PBN form

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.
2. Installation of a seasonal boat lift per Rule Env-Wt 303.04(ac).

CSPA PERMIT

2008-02755 NH FISH & GAME DEPARTMENT
NEWBURY Sunapee Lake

Requested Action:

Impact 80,500 sq ft for the purpose of constructing a 2-ramp public boat launch with parking facilities for approximately 31 car/trailers and 12 car top spaces on shore of Lake Sunapee in Newbury.

APPROVE AMENDMENT:

Amendment to Read as follows: Impact 80,500 sq ft for the purpose of constructing a 2-ramp public boat launch with parking facilities for approximately 31 car/trailers and 12 car top spaces on shore of Lake Sunapee in Newbury.

With Conditions:

1. All work shall be in accordance with plans by Fay, Spofford, and Thorndike, LLC. dated March 5, 2009 and received by the Department of Environmental Services ("DES") on April 23, 2009.
2. This permit is contingent on approval by the DES Alteration of Terrain Program.
3. All actions below the top of the banks of Lake Sunapee associated with the construction of the proposed boat ramp are contingent

on obtaining a Wetland Impact Permit in accordance with RSA 482-A.

4. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau, Shoreland Program will require a new application and further permitting by the Bureau.
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas to remain unaltered.
6. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
8. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
9. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
10. No more than 5.9% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
11. The project as proposed will leave approximately 14,865 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state.
12. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
13. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
14. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2009-00417 BOUDREAU, BRIAN
PITTSBURG Back Lake

Requested Action:

Request name change from Julia Kuncio to Brian Boudreau on permit to: Impact 896 sq ft for the purpose of constructing a garage and driveway.

APPROVE NAME CHANGE:

Change name to Brian Boudreau of 72 Ten Rod Road, Rochester, NH on permit to: Impact 896 sq ft for the purpose of constructing a garage and driveway.

With Conditions:

1. All work shall be in accordance with plans by Brian Boudreau revised April 1, 2009 and received by the Department of Environmental Services ("DES") on April 6, 2009.
2. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
3. There shall be no impacts to native vegetation between 50' and 150' of the reference line associated with the proposed project in order to comply with RSA 483-B:9, V, (b), (2), (A), (ii).
4. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No more than 19.0% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.

8. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.

With Findings:

1. This permit transfer is issued in accordance with NH Administrative Rule Env-Wq1406.18, (c).

2009-00445 COBB, DOUGLAS/MARY
HAMPSTEAD Sunset Lake / Wash Pond

Requested Action:

Impact 3,100 sq ft for the purpose of raising an existing dwelling, constructing a concrete foundation and permeable parking area, drilling a well, removing the existing leach field and installing a state approved septic system.

APPROVE PERMIT:

Impact 3,100 sq ft for the purpose of raising an existing dwelling, constructing a concrete foundation and permeable parking area, drilling a well, removing the existing leach field and installing a state approved septic system.

With Conditions:

1. All work shall be in accordance with plans by SEC and Associates Inc dated April 29, 2009 and received by the Department of Environmental Services ("DES") on May 1, 2009.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
4. There shall be no impacts to native vegetation between 50' and 150' of the reference line associated with the proposed project in order to comply with RSA 483-B:9, V, (b), (2), (A), (i).
5. There shall be no increase of impervious surface area within the protected shoreland associated with the proposed project in order to comply with RSA 483-B:9,V,(g).
6. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. No more than 37.2% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
8. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
9. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
10. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
11. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
12. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2009-00529 126 PIPERS POINT LANE LLC
ALTON Lake Winnepesaukee

Requested Action:

Impact 26,650 sq ft for the purpose of removing an existing single-family dwelling with driveway and constructing a pavilion, a stone wall, an addition onto an existing cabin and a pervious driveway.

APPROVE PERMIT:

Impact 26,650 sq ft for the purpose of removing an existing single-family dwelling with driveway and constructing a pavilion, a stone wall, an addition onto an existing cabin and a pervious driveway.

With Conditions:

1. All work shall be in accordance with plans by Pellettieri Associates Inc. revised March 19, 2009 and received by the Department of Environmental Services ("DES") on May 15, 2009. 2. All impacts associated with the proposed boat house are contingent on approval by the Wetland Bureau under RSA 482-A.
3. Existing altered areas shall be replanted with native vegetation in accordance with the proposed planting plan by Pellettieri Associates Inc revised January 19, 2009 and received by the Department of Environmental Services ("DES") on March 30, 2009.
4. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. The project as proposed will leave approximately 560 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. There shall be no impacts to native vegetation between 50' and 150' of the reference line associated with the proposed project in order to comply with RSA 483-B:9, V, (b), (2), (A), (ii).
7. No more than 12.6% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
8. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
9. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
11. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
12. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2009-00621 ROY, ROBERT
PELHAM Little Island Pond

Requested Action:

Impact 3,400 sq ft for the purpose of removing an existing, non-conforming, single-family dwelling, septic system, concrete patios and stairs and re-vegetating the area.

APPROVE PERMIT:

Impact 3,400 sq ft for the purpose of removing an existing, non-conforming, single-family dwelling, septic system, concrete patios and stairs and re-vegetating the area.

With Conditions:

1. All work shall be in accordance with plans by Robert W. Roy dated April 9, 2009 and received by the Department of Environmental Services ("DES") on April 9, 2009.
2. All proposed impacts within wetlands, surface waters, and their banks shall require a Wetland Permit under RSA 482-A.
3. There shall be no impacts to native vegetation between 50' and 150' of the reference line associated with the proposed project in order to comply with RSA 483-B:9, V, (b), (2), (A), (i).

4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
5. The area within the waterfront buffer where the existing structures are to be removed according to plans by Robert W. Roy shall be re-vegetated with native trees, shrubs and ground covers.
6. All material from the removal of the existing structures shall be removed from the protected shoreland.
7. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
9. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
10. No more than 0.0% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
11. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
12. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
13. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2009-00635 GLASS, JEFF
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Impact 6,800 sq ft to redesign existing driveway, make landscaping changes, and stormwater improvements.

APPROVE PERMIT:

Impact 6,800 sq ft to redesign existing driveway, make landscaping changes, and stormwater improvements.

With Conditions:

1. All work shall be in accordance with plans by Pollock Land Planning dated April 10, 2009 and received by the Department of Environmental Services ("DES") on April 13, 2009.
2. No more than 23.2% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 3,155 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. There shall be no impacts to native vegetation between 50' and 150' of the reference line associated with the proposed project in order to comply with RSA 483-B:9, V, (b), (2), (A), (ii)
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2009-00658 DALTON RIDGE RUNNERS, C/O ALLEN REXFORD
DALTON Johns River

Requested Action:

Impact 3000 sq ft for the purpose of constructing a snowmobile trail bridge over the Johns River

APPROVE PERMIT:

Impact 3000 sq ft for the purpose of constructing a snowmobile trail bridge over the Johns River

With Conditions:

1. All work shall be in accordance with plans by Stewart Structural Engineering dated March 12, 2009 and received by the Department of Environmental Services ("DES") on April 15, 2009.
2. All proposed impacts within wetlands, surface waters, and their banks shall require a Wetland Permit under RSA 482-A.
3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
4. All temporary impacts shall be re-vegetated with native trees, shrubs and ground covers upon completion of project installation.
5. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.

With Findings:

1. RSA 483-B:2,II provides for the wise utilization of the water and related land resources.
2. RSA 483-B:9,IV-b states that public utility lines and associated structures and facilities, public roads, and public water access facilities including boat ramps shall be permitted by the commissioner as necessary and consistent with the proposes of this chapter and other state law.
3. The project as proposed is within the intent of RSA 483-B:2,II.

2009-00775 BEDARD, STEPHEN & ELIZABETH
GILMANTON Guinea Pond

Requested Action:

Impact 960 sq ft for the purpose of adding an attached 12'x 45' deck with stairs and a 12'x 23' porch onto an existing single-family dwelling.

APPROVE PERMIT:

Impact 960 sq ft for the purpose of adding an attached 12'x 45' deck with stairs and a 12'x 23' porch onto an existing single-family dwelling.

With Conditions:

1. All work shall be in accordance with plans by Stephen Bedard dated April 26, 2009 and received by the Department of Environmental Services ("DES") on April 29, 2009.
2. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
3. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes

steeper than 3:1.

4. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. No more than 6.0% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
7. The project as proposed will leave approximately 5,700 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 3,125 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
8. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2009-00777 COLEBROOK, TOWN OF
COLEBROOK Connecticut River

Requested Action:

Impact 4000 sq ft for the temporary impacts associated with the construction of a waterline.

APPROVE PERMIT:

Impact 4000 sq ft for the temporary impacts associated with the construction of a waterline.

With Conditions:

1. All work shall be in accordance with plans by Underwood Engineers Inc dated April 21, 2009 and received by the Department of Environmental Services ("DES") on April 29, 2009.
2. All proposed impacts within wetlands, surface waters, and their banks shall require a Wetland Permit under RSA 482-A.
3. In accordance with recommendations by the NH Department of Fish and Game Non-game and Endangered Species Program all efforts shall be taken to minimize the impacts to wet meadow habitat during construction of the proposed project.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
5. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2009-00780 MUSMANNO, FRANK
WASHINGTON Smith Pond

Requested Action:

Impact 174 sq ft for the purpose of adding a screened porch to an existing single-family outside of the natural woodland buffer.

APPROVE PERMIT:

Impact 174 sq ft for the purpose of adding a screened porch to an existing single-family outside of the natural woodland buffer.

With Conditions:

1. All work shall be in accordance with plans by Frank Musmanno revised April 28, 2009 and received by the Department of Environmental Services ("DES") on April 30, 2009.
2. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
3. All work is to be done outside the natural woodland buffer.
4. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No more than 7.3% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
8. There shall be no impacts to native vegetation between 50' and 150' of the reference line associated with the proposed project in order to comply with RSA 483-B:9, V, (b), (2), (A), (ii).
9. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
10. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
11. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**2009-00781 SPELTZ REVOC TRUST 2007, PAUL
MOULTONBOROUGH Lake Winnepesaukee**

Requested Action:

Impact 1,500 sq ft for the purpose of constructing an addition and a covered deck onto an existing dwelling and relocating a walkway.

APPROVE PERMIT:

Impact 1,500 sq ft for the purpose of constructing an addition and a covered deck onto an existing dwelling and relocating a walkway.

With Conditions:

1. All work shall be in accordance with plans by David Dolan Associates dated April 22, 2009 and received by the Department of Environmental Services ("DES") on May 1, 2009.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
4. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.

7. No more than 19.2% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
8. The project as proposed will leave approximately 6,445 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 6,445 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
9. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
10. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
11. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2009-00809 JACOBS, KAREN
MOULTONBOROUGH Wakondah Pond

Requested Action:

Impact 602 sq ft for the purpose of constructing a deck and connecting 6 ft wide walkway onto an existing deck.

APPROVE PERMIT:

Impact 602 sq ft for the purpose of constructing a deck and connecting 6 ft wide walkway onto an existing deck.

With Conditions:

1. All work shall be in accordance with plans by Three Brooks Builders LLC dated April 21, 2009 and received by the Department of Environmental Services ("DES") on May 4, 2009.
2. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
3. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
4. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. No more than 14.6% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
7. The project as proposed will leave approximately 10,272 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 9,017 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
8. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2009-00819 SHATZER, WARREN
OSSIPEE Duncan Lake

Requested Action:

Impact 5602 sq ft for the purpose of constructing a single family home with driveway, removing an existing gravel parking area, and installing a state approved septic system.

APPROVE PERMIT:

Impact 5602 sq ft for the purpose of constructing a single family home with driveway, removing an existing gravel parking area, and installing a state approved septic system.

With Conditions:

1. All work shall be in accordance with plans by New Hampshire Environmental Consultants LLC dated April 21, 2009 and received by the Department of Environmental Services ("DES") on May 5, 2009.
2. The existing gravel driveway must be removed and revegetated with native vegetation prior to the initiation of construction of the proposed single family dwelling.
3. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau.
4. The project as proposed will leave approximately 746 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. There shall be no impacts to native vegetation between 50' and 150' of the reference line associated with the proposed project in order to comply with RSA 483-B:9, V, (b), (2), (A), (ii).
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
6. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. No more than 19.9% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
8. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
9. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
10. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
11. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
12. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2009-00840 STARRATT, THOMAS
MILFORD Souhegan River

Requested Action:

Impact 192 sq ft to construct a 12'x 16' deck on the back of an existing house.

APPROVE PERMIT:

Impact 192 sq ft to construct a 12'x 16' deck on the back of an existing house.

With Conditions:

1. All work shall be in accordance with plans by Thomas Starrat dated received by the Department of Environmental Services ("DES") on May 7, 2009.
2. No more than 17.99% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will take place approximately 215 ft behind the reference line.
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.

7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.

CSPA PERMIT W/VARIANCE

2009-00530 CURVEY PERSONAL RESIDENCE TRUST, JAMES
ALTON Lake Winnepesaukee

Requested Action:

Impact 9,010 sq ft to construct an addition to a nonconforming structure, and use pervious technologies for driveways and landscaping.

APPROVE PERMIT:

Impact 9,010 sq ft to construct an addition to a nonconforming structure, and use pervious technologies for driveways and landscaping.

WAIVERS APPROVED: RSA 483-B:9,II,(b) and RSA 483-B:9,V,(2)(c) are waived to allow temporary removal of natural ground cover within the waterfront buffer and the expansion of a primary structure that encroaches upon the primary building setback.

With Conditions:

1. All work shall be in accordance with plans by Pellettieri Associates, Inc. dated April 30, 2009 and received by the Department of Environmental Services ("DES") on May 15, 2009.
2. No more than 19.11% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. This approval includes Waivers of RSA 483-B:9-II(b), and RSA 483-B:9-V(2)(c) and, therefore, shall not be effective until they have been recorded at the Belknap County Registry of Deeds and a copy of the recorded waivers are sent to the department by certified mail, return receipt requested.
4. The temporary impact areas within the waterfront buffer shall be replanted in accordance with the approved plans upon completion of the modifications to the residential structures.
5. The project as proposed will leave approximately 30 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. All of this area currently unaltered in the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Lake Winnepesaukee and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the CSPA.
2. The project as proposed will temporarily disturb vegetation within the 50 ft primary building setback to Lake Winnepesaukee and, therefore, fails to conform to the restrictions set forth in RSA 483-B:9(V)(2)(c), of the CSPA.
3. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the

existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."

4. The project as proposed would result in a decrease in impervious surfaces, from 24.0% to 19.11%.

5. The applicant has proposed to reduce impervious surfaces 4.89%, using pervious technologies, and replant native vegetation, and therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.

CSPA PERMIT W/WAIVER

2009-00206 **KYGER, NANCY**
MADISON Silver Lake

Requested Action:

Impact 6,622 sq ft to construct an addition to a nonconforming structure, construct a garage, and install a well.

APPROVE PERMIT:

Impact 6,622 sq ft to construct an addition to a nonconforming structure, construct a garage, and install a well.

WAIVERS APPROVED: RSA 483-B:9,II,(b) and RSA 483-B:9,V,(2)(c) are waived to allow temporary removal of natural ground cover within the waterfront buffer and the expansion of a primary structure that encroaches upon the primary building setback.

With Conditions:

1. All work shall be in accordance with plans by Thaddeus Thorne Surveys, Inc. dated May 7, 2009 and received by the Department of Environmental Services ("DES") on May, 2009.
2. All removal of vegetation or groundcover or soil disturbance associated with the proposed well shall be restored upon completion of the installation of the well.
3. This approval includes waivers of RSA 483-B:9,II,(b) and RSA 483-B:9,V,(2)(c), therefore, shall not be effective until they have been recorded at the Carroll County Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
4. No more than 24.79% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
5. The project as proposed will leave approximately 3,651.92 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 1,614.73 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Silver Lake and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the CSPA.
2. The proposed well is located within the 50 ft primary building setback to Silver Lake. The construction of this well would temporarily disturb groundcover and vegetation, and therefore fails to conform to RSA 483-B:9,V,(2)(c).
3. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the

existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."

4. The project as proposed would result in an increase in impervious surfaces from 20.5% to 24.79%.

5. The applicant has proposed to install drip edges, install a drywell, decrease impervious surfaces within the waterfront buffer, and plant native species, and therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.

2009-00472 BISSON, GARY
WAKEFIELD Pine River Pond

Requested Action:

Impact 2000 sq ft to construct a 24'x 24' addition to an existing nonconforming structure.

APPROVE PERMIT:

Impact 2000 sq ft to construct a 24'x 24' addition to an existing nonconforming structure.

WAIVERs APPROVED: RSA 483-B:9,II,(b) and RSA 483-B:9,V,(a)(2)(C) are waived to allow temporary impacts to groundcover within the waterfront buffer and the expansion of a primary structure that encroaches upon the primary building setback.

With Conditions:

1. All work shall be in accordance with plans by Jack D. Keener dated April 29, 2009 and received by the Department of Environmental Services ("DES") on May 4, 2009.
2. This approval includes waivers of RSA 483-B:9,II(b) and RSA 483-B:9,V(a)(2)(C), and, therefore, shall not be effective until they have been recorded at the Carroll County Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. No new impervious surfaces shall be constructed until the plantings within the waterfront buffer have been completed as shown on the approved plans.
4. No more than 17.4% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
5. The project as proposed will leave approximately 7,000 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 6,104 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Pine River Pond and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the CSPA.
2. The project as proposed would temporarily impact approximately 100 sq ft within the primary building setback and, therefore, fails to conform to the disturbance conditions set forth in RSA 483-B:9, V(a)(2)(C), of the CSPA.
3. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
4. The project as proposed would result in an increase in impervious surfaces from 15.5% to 17.4%.
5. The applicant has proposed to install rain gutters, plant approximately 600 sq ft of native low bush blueberries and native juniper in the waterfront buffer, and therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.

2009-00678 TROXELL REVOC TRUST OF 2000, BARBARA SISK
NEW LONDON Messer Pond

Requested Action:

Impact 9,740 sq ft to construct an addition to a nonconforming structure, raze and replace garage, and conduct stormwater improvements.

APPROVE PERMIT:

Impact 9,740 sq ft to construct an addition to a nonconforming structure, raze and replace garage, and conduct stormwater improvements.

WAIVER APPROVED: RSA 483-B:9,II,(b) is waived to allow the expansion of a primary structure that encroaches upon the primary building setback.

With Conditions:

1. All work shall be in accordance with plans by Blakeman Engineering Inc. dated April 13, 2009 and received by the Department of Environmental Services ("DES") on April 20, 2009.
2. This approval includes a waiver of RSA 483-B:9 (II)(b) and, therefore, shall not be effective until it has been recorded at the Merrimack County Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. No more than 11.1% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The project as proposed will leave approximately 14,520 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 14,511 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Messer Pond and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The project as proposed would result in an increase in impervious surfaces from 8.5% to 11.1%.
4. The applicant has proposed to re-grade the driveway to divert stormwater towards two rain gardens, install a drywell, and install a swale, and therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.

2009-00724 BERLIN FALLS REAL ESTATE LLC, DANIEL HEBERT INC
BERLIN Androscoggin River

Requested Action:

Impact 28,912 sq ft to construct a 14,460 sq ft courthouse and parking on a previously developed lot.

APPROVE PERMIT:

Impact 28,912 sq ft to construct a 14,460 sq ft courthouse and parking on a previously developed lot.

WAIVER APPROVED: RSA 483-B:9,V(g)(1)is waived to allow for construction of impervious surfaces that will exceed 30% coverage of the lot.

With Conditions:

1. All work shall be in accordance with plans by Horizons Engineering LLC dated March 2009, and received by the Department of Environmental Services ("DES") on April 27, 2009.
2. This permit is contingent on approval by the DES Alteration of Terrain Program.
3. This approval includes a waiver of RSA 483-B:9(V)(g)(1)and, therefore, shall not be effective until it has been recorded at the Coos County Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
4. No more than 53.9% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.

With Findings:

1. The existing developed lot is covered by 54% impervious surfaces, with setbacks to the Androscoggin River and, therefore, fails to conform to the impervious surfaces restrictions of 30% set forth in RSA 483-B:9(V)(g)(1), of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The project as proposed would result in a decrease in impervious surfaces from 54.0% to 53.9%.
4. The applicant has proposed to remove areas of existing pavement and replant with grass, decrease impervious surfaces from 54.0% to 53.9%, and install a stormwater containment and treatment pond, and therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.

2009-00764 CHABOT, THERESA
NEW DURHAM Merrymeeting Lake

Requested Action:

Impact 3,786 sq ft to raise a house 5 feet to replace foudation, add stormwater measures and restore shoreland buffer zone.

APPROVE PERMIT:

Impact 3,786 sq ft to raise a house 5 feet to replace foudation, add stormwater measures and restore shoreland buffer zone.

With Conditions:

1. All work shall be in accordance with plans by Varnet Engineering, LLC dated March 12, 2009 and received by the Department of Environmental Services ("DES") on April 28, 2009.

2. No more than 29.6% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 1,828 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 1,952 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.

With Findings:

This project as proposed only involves upward expansion within the existing footprint, and therefore does not require a Shoreland Waiver.

2009-00892 GRAHAM, JOHN
ENFIELD Spectacle Pond

Requested Action:

Impact 4,700 sq ft to construct a 12'x 12' screened porch, a 20x 24' detached garage, a 3'x 51' long sidewalk, and reconfigure gravel driveway.

APPROVE PERMIT:

Impact 4,700 sq ft to construct a 12'x 12' screened porch, a 20x 24' detached garage, a 3'x 51' long sidewalk, and reconfigure gravel driveway.

With Conditions:

1. All work shall be in accordance with plans by Pathway Consulting, LLC dated March 27, 2009 and received by the Department of Environmental Services ("DES") on May 15, 2009.
2. No more than 15.0% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. At least 1,156 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.

With Findings:

This project as proposed would not require a Shoreland Waiver as per RSA 483-B:11(I) that states "Between the primary building line and the reference line, no alteration shall extend the structure closer to the public water, except for the addition of a deck or open porch is permitted up to a maximum of 12 feet towards the reference line for nonconforming structures erected prior to July 1, 1994.